

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA**

|                    |   |                       |
|--------------------|---|-----------------------|
| IN RE:             | ) |                       |
|                    | ) |                       |
| Metal Check, Inc., | ) | Case No. 23-11279-JDL |
|                    | ) | (Chapter 11)          |
|                    | ) |                       |
| Debtors.           | ) |                       |

**TRUSTEE’S LIMITED OBJECTION TO DEBTOR’S EMERGENCY  
MOTION FOR ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL**

Stephen J. Moriarty, Subchapter V Trustee (“Trustee”) for Debtor, Metal Check, Inc. (“Debtor”) hereby files his Limited Objection (“Trustee’s Limited Objection”) to Debtor’s Emergency Motion for Order Authorizing Interim Use of Cash Collateral (the “Interim Cash Collateral Motion”) [Dkt. 12]. In support of would state as follows:

1. Debtor filed its Voluntary Petition for Relief under Chapter 11, Subchapter V, of the Bankruptcy Code on May 16, 2023 [Dkt. 1].
2. On May 17, 2023, Trustee was appointed Subchapter V Trustee in this case [Dkt. 6].
3. On May 18, 2023, Debtor filed the Interim Cash Collateral Motion.
4. The Interim Cash Collateral Motion attaches a budget as Exhibit “A” [Dkt. 12, pp. 1-2] (“Budget”). With regard to the Budget, Trustee has the following comments and concerns:
  - a. Wages. The Budget lists weekly wages of \$7,748.00. The Interim Cash Collateral does not identify the number of employees. Trustee states it would be appropriate to require an employee census and breakdown of wages by employee.

b. Professional Fees. The Budget lists monthly professional fees (legal and accounting) of \$2,800.00. Trustee believes this estimate is too low. Additionally, (i) the Professional Fees Budget line item should explicitly include the Subchapter V Trustee fee estimate and (ii) the Budget should provide for the payment of a monthly retainer to Trustee of \$1,500.00, commencing June 1, 2023, to be held by Trustee in trust.

c. Equipment Note Payments. The Budget provides for monthly Equipment Note Payments of \$23,101.00. It is unclear who the recipient(s) of this payment will be. Further, it would appear that these payments would be in the form of adequate protection payments. From the Interim Cash Collateral Motion, it is not clear if these payments are necessary or warranted.

d. Owners' Withdrawal. The Budget contains payments to the "Owner" (presumably Diana Salazar) totaling \$44,100.00 over the 13-week Budget. Trustee states that any distribution to equity is improper.

5. Trustee hereby reserves any and all objections that may be asserted to the entry of any Final Cash Collateral Order in this case.

WHEREFORE, Trustee respectfully requests that this Court deny the Interim Cash Collateral Motion until Debtor addresses the issues raised herein.

/s/ Stephen J. Moriarty

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SUBCHAPTER V TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to all registered participants.

/s/ Stephen J. Moriarty

Stephen J. Moriarty

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